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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Pierre L. Triozzi, *et al.*)
Serial No. 09/727,198) Examiner Ulrike Winkler, Ph.D.
Filed: November 30, 2000) Group Art Unit 1648
For: NON-CYTOLYTIC SOLUBLE FACTOR)
FROM ACTIVATED-EXPANDED)
CD4 CELLS)

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

AMENDMENT AND RESPONSE

Sir:

This paper is filed responsive to the Office action mailed June 18, 2002 (Paper No. 7). The amendments to the claims are submitted herewith as a Clean Set of Amended Claims. A Marked-Up Set of Amended Claims detailing the amendments made also is submitted herewith. In particular, claim 1 has been amended.

The Examiner kindly pointed out that rejoinder of Groups 2 and 13 with the elected Group 1 could be effected by amendment of claim 1 to claim a factor of greater than 50 kDa. Applicant has amended claim 1 to add the word "greater." Applicant respectfully requests reconsideration of the Examiner's requirement for restriction and rejoinder of Groups 2 and 13. Thus, following Examiner's suggestion and allowance of Applicant's request for reconsideration and rejoinder, the following claim groups will currently be under prosecution:

Group 1	claims 1-5, 8
Group 2	claims 6, 7
Group 13	claims 57-61, 62, 63, and 64

Thus the claims under prosecution are claims 1-8, and 57-64.

REMARKS

Reconsideration of the above-identified application respectfully requested.

Claim 1 has been amended in response to the Examiner's comments under "Detailed Action" in paper no. 7, page 2. The Examiner has pointed to Applicants' claim 1, (which as originally filed claimed a factor of "greater than or equal to 50 kDa"), as barring claims to a group of molecules that could include both 50 kDa and 70-80 kDa molecules. On this basis the Examiner determined that Groups I and II were patentably distinct.